

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRIAN FORSHEY, an incapacitated	:	Civil No. 1:13-cv-0285
person, by the guardian of his person	:	
and estate, LINDA J. FORSHEY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
HUNTINGDON COUNTY, et al.,	:	
	:	
Defendants.	:	Judge Sylvia H. Rambo

ORDER

AND NOW, this 12th day of January, 2017, **IT IS HEREBY ORDERED** as follows:

1) The Report and Recommendation of Magistrate Judge Mehalchick is adopted. (Doc. 73.)

2) Defendants' partial motion for summary judgment (Doc. 61) is **GRANTED**

IN PART AND DENIED IN PART as follows:

- a. Defendants' motion for summary judgment on Forshey's conditions of confinement claim is **DENIED**;
- b. Defendants Bair and Black are not entitled to qualified immunity on Forshey's conditions of confinement claim;
- c. The motion for summary judgment of Defendants Bair and Black, in their individual and official capacities, regarding Forshey's deliberate indifference to a serious medical need is **GRANTED**;

- d. Defendants' motion for summary judgment on any *Monell* liability for Forshey's conditions of confinement claim related specifically to the running of showers while not in use is **DENIED**; and
 - e. Defendants' motion for summary judgment on any *Monell* liability for Forshey's deliberate indifference claim arising from Nurse Watkins' conduct is **GRANTED**.
- 3) Counsel shall confer with each other and submit a revised joint case management plan for the disposition of this case. The plan shall be submitted by January 30, 2017.
- 4) A case management conference will be held on February 8, 2017 at 9:15 a.m. via telephone. The placement of the telephone conference call is the responsibility of Plaintiff. The telephone number of the court is 717-221-3960.

s/Sylvia Rambo
SYLVIA H. RAMBO
United States District Judge